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14 Attorneys for Plaintiff,
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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 Michaela Scott,

19 Plaintiff,

20 vs.

21 GC Services, L.P.,

22 Defendant.
23

Case No.: 5:15-cv-04279

COMPLAINT FOR DAMAGES

FOR VIOLATIONS OF:

- 1. THE FAIR DEBT COLLECTION
PRACTICES ACT; AND
2. THE ROSENTHAL FAIR DEBT
COLLECTION PRACTICES ACT**

JURY TRIAL DEMANDED
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1 Plaintiff, Michaela Scott (hereafter “Plaintiff”), by undersigned counsel, brings
2 the following complaint against GC Services, L.P. (hereafter “Defendant”) and alleges
3 as follows:
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5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the Fair Debt
7 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), and repeated
8 violations of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788,
9 *et seq.* (“Rosenthal Act”).
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11 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), Cal. Civ.
12 Code 1788.30(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1367.
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14 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
15 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
16 where Defendant transacts business in this district.
17

18 **PARTIES**

19 4. Plaintiff is an adult individual residing in Capitola, California, and is a
20 “person” as defined by 47 U.S.C. § 153(39) and Cal Civ. Code § 1788.2(g).
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22 5. Defendant is a business entity located in Houston, Texas, and is a
23 “person” as the term is defined by 47 U.S.C. § 153(39) and Cal Civ. Code §
24 1788.2(g).
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26 6. Defendant uses instrumentalities of interstate commerce or the mails in a
27 business the principle purpose of which is the collection of debts and/or regularly
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1 collects or attempts to collect debts owed or asserted to be owed to another, and is a
2 “debt collector” as defined by 15 U.S.C. § 1692a(6).
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4 7. Defendant, in the ordinary course of business, regularly, on behalf of
5 itself or others, engages in the collection of consumer debts, and is a “debt collector”
6 as defined by Cal. Civ. Code § 1788.2(c).
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8 **ALLEGATIONS APPLICABLE TO ALL COUNTS**
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10 8. Upon information and belief, a financial obligation was allegedly
11 incurred by Plaintiff’s daughter, a person who is not a party to this lawsuit (hereafter
12 “Debtor”).
13

14 9. Plaintiff has no responsibility for repayment of the Debtor’s debt.

15 10. Debtor’s alleged obligation arises from a transaction in which property,
16 services or money was acquired on credit primarily for personal, family or household
17 purposes, is a “debt” as defined by 15 U.S.C. § 1692a(5), and is a “consumer debt” as
18 defined by Cal. Civ. Code § 1788.2(f).
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21 11. At all times mentioned herein where Defendant communicated with any
22 person via telephone, such communication was done via Defendant’s agent,
23 representative or employee.
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25 12. In or around March of 2015, Defendant contacted Plaintiff in an attempt
26 to collect a debt.
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22. Defendant engaged in conduct, the natural consequence of which was to harass, oppress, or abuse Plaintiff, in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.

24. Plaintiff has been harmed and is entitled to damages as a result of Defendant's violations.

**VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION
PRACTICES ACT, Cal. Civ. Code § 1788, et seq.**

26. The Rosenthal Act was passed to prohibit debt collectors from engaging in unfair and deceptive acts and practices in the collection of consumer debts.

27. Defendant communicated with Plaintiff's family regarding the alleged consumer debt and for a purpose other than to locate the Plaintiff, in violation of Cal. Civ. Code § 1788.12(b).

1 28. Defendant did not comply with the provisions of 15 U.S.C. § 1692, *et*
2 *seq.*, in violation of Cal. Civ. Code § 1788.17.

3
4 29. Plaintiff was harmed and is entitled to damages as a result of Defendant's
5 violations.

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7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff prays for judgment against Defendant for:

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10 A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
11 B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
12 C. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);
13 D. Statutory damages of \$1,000.00 for knowingly and willfully committing
14 violations pursuant to Cal. Civ. Code § 1788.30(b);
15 E. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C.
16 § 1692k(a)(3) and Cal. Civ. Code § 1788.30(c);
17 F. Punitive damages; and
18 G. Such other and further relief as may be just and proper.
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22 **TRIAL BY JURY DEMANDED ON ALL COUNTS**
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DATED: September 18, 2015

TRINETTE G. KENT

By: /s/ Trinette G. Kent
Trinette G. Kent, Esq.
Lemberg Law, LLC
Attorney for Plaintiff, Michaela Scott